

FISCAL NOTE

HB 35 – SB 172

February 12, 2007

SUMMARY OF BILL: Broadens the offense of “intentional killing of an animal” to include fire dogs, search and rescue dogs, guide dogs and police horses. Authorizes the trier of fact to infer the value of such animals exceeds \$10,000.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$33,000 / Incarceration*

Increase Local Govt. Expenditures – Not Significant

Increase Local Govt. Revenues – Not Significant

Assumptions:

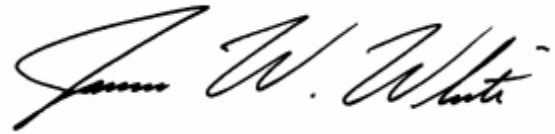
- Currently the intentional killing of an animal is prosecuted as theft of property ranging from a Class A misdemeanor if the value of the animal is less than \$500 to a Class B felony if the value of the animal exceeds \$60,000.
- According to the Department of Correction (DOC), there was one Class E felony conviction in FY06 for the intentional killing of an animal. By allowing the trier of fact to infer the value of these animals exceeds \$10,000, the department assumes the grade of this type of offense will increase.
- One offender will serve an additional 0.6 years (an increase from 0.3 years for a Class E felony to 0.9 for a Class C felony). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate for 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate for 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The additional cost from increasing the average sentence length from 0.3 years to 0.9 years is \$13,184.07 (\$19,776.40 - \$6,592.33).
- One offender per year will serve 0.9 years (328.73 days) for a Class C felony that previously would have been punished as a misdemeanor. The cost per inmate for 0.9 years is \$19,776.40 (\$60.16 x 328.73 days).
- No significant incarceration cost increase will occur due to population growth in this period.

- There will not be a sufficient number of prosecutions for local governments to experience any significant increase in revenues or expenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director